

## **CUSTOMS DIRECTIVE**

**ORIGINATING OFFICE:** FO:TP:CP:MCA

**DISTRIBUTION:** S-01

**CUSTOMS DIRECTIVE NO.** 3550-075

**DATE:** MARCH 7, 2000

**SUPERSEDES:**

**REVIEW DATE:** MARCH 2002

**SUBJECT: INSTRUCTIONS FOR HANDLING THE ENTRY OF LOCOMOTIVES,  
RAILCARS, AND OTHER RAILROAD EQUIPMENT INTO THE U.S.**

### **1 PURPOSE.**

**1.1** This directive establishes a uniform method to be utilized for the handling of entry of locomotives, railcars, and other railroad equipment into the U.S.

**1.2** On November 10, 1999, a final ruling (Technical Amendment, T.D. 99-79) was printed in the Federal Register (Volume 64, Number 217, Pages 61204-61205), concerning Customs Regulations, 19 CFR 10.41 (a) and (d), the handling of foreign locomotives and railroad equipment that are utilized as instruments of international traffic, and to carry passengers or merchandise between U.S. points, respectively.

**1.3** The Office of Regulations & Rulings (OR&R) issued this technical amendment in order to make the treatment of foreign-owned locomotives and railcars similar to that of foreign-owned trucks, buses, taxicabs, or other vehicles, aircraft or undocumented boats used for the purpose of carrying merchandise or passengers in the U.S. In order to answer questions that have arisen from that notice, the following clarification is provided.

**2. AUTHORITIES.** 19 CFR 10.41 (a) and (d) and 19 CFR 141.4 (b) (4).

### **3. RESPONSIBILITIES.**

**3.1** The Directors, Field Operations, Customs Management Centers are to ensure implementation of this directive

**3.2** Port Directors will ensure local procedures accommodate these guidelines.

**3.3** Port Directors will distribute this information through routine trade notification practices (i.e. trade notices, informational pipelines, etc.). Customs employees should be made aware of these procedures.

### **4. PROCEDURES.**

**4.1** New locomotives, railcars, and other railroad equipment (but not parts), built in Mexico or Canada for use in the U.S., do not require that an entry be filed in order to qualify for carrying merchandise or passengers between points in the U.S., per the specific cite in 19 CFR 141.4(b)(4).

**4.2** This includes new locomotives or railcars arriving empty, new railcars arriving with a loaded shipment, and used equipment being sold or transferred from a foreign carrier to a domestic carrier.

**4.3** If arriving with a loaded shipment, the new locomotive or railcar will not require an entry, but the shipment may.

**4.4** Cars made in another country (i.e., other than Canada or Mexico.) do require an entry whether they are to be used in U.S. operations or not, unless they are instruments of international traffic pursuant to 19 CFR 123.12. This decision is based on the common industry practice that any locomotive or railcar in common commercial use will eventually be used in international traffic with Canada or Mexico during its regular use.

**4.5** All locomotives, railcars, and other railroad equipment must continue to be properly identified by the arriving rail carrier. The fact that no requirement for entry exists does not change the requirement to manifest the equipment when it crosses the border.

**5. MEASURES.** Will be accomplished in an ongoing basis through the utilization of the Customs Self-Inspection Program as prescribed by associated directives.

Acting Assistant Commissioner  
Office of Field Operation